

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA12-220

MILDRED DRAKE

APPELLANT

V.

SHERIDAN SCHOOL DISTRICT,
RISK MANAGEMENT, AND DEATH &
PERMANENT TOTAL DISABILITY
TRUST FUND

APPELLEE

Opinion Delivered September 26, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F805842]

REBRIEFING ORDERED

RAYMOND R. ABRAMSON, Judge

Appellant Mildred Drake appeals the Workers' Compensation Commission's decision, which found (1) that she had failed to prove by a preponderance of the evidence that she was entitled to any permanent anatomical impairment and (2) that her employer, the Sheridan School District, was ready, willing, and able to provide her a job. Drake argues on appeal that the Commission's decision was not supported by the evidence. We cannot reach the merits of Drake's appeal at this time, however, because her abstract is deficient.

The record in this case included the depositions of Drake and Dr. Brenda Haynes, the superintendent of the Sheridan School District. Those depositions were reproduced in the addendum, but were not abstracted as required by our rules. Rule 4-2(a)(5) of the Rules of the Supreme Court and Court of Appeals states that an appellant "shall create an abstract of



the material parts of all the transcripts (stenographically reported material) in the record.” In fact, “[a]ll material parts of all hearing transcripts, trial transcripts, and deposition transcripts must be abstracted, even if they are an exhibit to a motion or other paper.” Ark. Sup. Ct. R. 4-2(a)(5)(A) (2012). Information is material if it is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(5) (2012). Both Drake and the Sheridan School District specifically reference Dr. Haynes’s testimony in the argument sections of their briefs; thus, the depositions are clearly material as they are necessary for us to decide the issues on appeal. Because Drake has failed to comply with our rule concerning abstracting, we order her to file a substituted brief curing the deficiencies in the abstract within fifteen days from the date of entry of this order. Ark. Sup. Ct. R. 4-2(b)(3) (2012). We further advise Drake’s counsel to examine our rules to ensure that no additional deficiencies are present.

Rebriefing ordered.

HOOFFMAN and BROWN, JJ., agree.

Worley, Wood & Parrish, P.A., by: *Melissa Wood*, for appellant.

Gary Davis, for appellee.